

1 ANDREW R. LIVINGSTON (State Bar No. 148646)  
alivingston@orrick.com  
2 ERIN M. CONNELL (State Bar No. 223355)  
econnell@orrick.com  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
4 405 Howard Street  
San Francisco, CA 94105-2669  
5 Telephone: +1-415-773-5700  
Facsimile: +1-415-773-5759  
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Attorneys for Defendants  
7 Chase Home Finance, LLC (on behalf of itself and as successor  
in interest to Chase Manhattan Mortgage Corporation) and  
8 James Boudreau

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10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

12 CHRISTOPHER CLARK and JAMES  
13 RENICK, individuals,

14 Plaintiffs,

15 v.

16 CHASE HOME FINANCE, LLC, a Delaware  
LLC doing business in California; CHASE  
17 MANHATTAN MORTGAGE  
CORPORATION, a New Jersey corporation  
18 doing business in California; JAMES  
BOUDREAU, an individual; and DOES 1-25,

19 Defendants.  
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Case No. 08 CV 0500 JM RBB

**DEFENDANTS CHASE HOME  
FINANCE, LLC, CHASE  
MANHATTAN MORTGAGE  
CORPORATION AND JAMES  
BOUDREAU'S NOTICE OF MOTION  
AND MOTION FOR JUDGMENT ON  
THE PLEADINGS PURSUANT TO  
RULE 12(c) OR, IN THE  
ALTERNATIVE, MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
PURSUANT TO RULE 56**

Date: May 30, 2008  
Time: 1:30 p.m.  
Dept.: 16  
Judge: The Hon. Jeffrey T. Miller

1 TO PLAINTIFFS CHRISTOPHER CLARK AND JAMES RENICK AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on May 30, 2008 at 1:30 p.m., or as soon as this matter  
4 may be heard in the above-entitled Court, located at the Edward J. Schwartz U.S. Courthouse,  
5 940 Front Street, San Diego, California 92101-8900, before the Honorable Jeffrey T. Miller,  
6 Defendants Chase Home Finance, LLC ("Chase") (on behalf of itself and as successor in interest  
7 to Chase Manhattan Mortgage Corporation ("Chase Mortgage")) and James Boudreau  
8 ("Boudreau") (collectively, "Defendants") will and do hereby move this Court, pursuant to  
9 Federal Rule of Civil Procedure 12(c), for judgment on the pleadings in their favor on the First  
10 Amended Complaint (the "FAC") of plaintiffs Christopher Clark ("Clark") and James Renick  
11 ("Renick") (collectively, "Plaintiffs") and such other relief as may be just.

12 This motion is made on the ground Clark undisputedly released all six of causes of action  
13 he asserts in the FAC, as is evident from Exhibit A to Defendants' Answer. Further, Plaintiffs'  
14 third cause of action for statutory penalties for failure to provide accurate itemized wage  
15 statements, and Plaintiffs' sixth cause of action for civil penalties under California's Private  
16 Attorneys General Act ("PAGA"), are both subject to a one-year statute of limitations, and  
17 therefore are time barred. Accordingly, as is evident from the pleadings alone, from documents  
18 incorporated into the pleadings, and from documents properly subject to judicial notice, there is  
19 no triable issue of material fact and Defendants are entitled to judgment as a matter of law as to  
20 all six of Clark's claims, and as to Clark's and Renick's third and sixth causes of action, as more  
21 fully set forth in the accompanying memorandum of points and authorities in support of the  
22 motion.

23 PLEASE TAKE FURTHER NOTICE that, on the same date and at the same time,  
24 Defendants will and do hereby move in the alternative, pursuant to Federal Rule of Civil  
25 Procedure 56, for partial summary judgment of all six of Clark's causes of action, and of Clark's  
26 and Renick's third and sixth causes of action. This alternative motion is made in the event that  
27 the Court relies upon extrinsic evidence when ruling on the motion, and is made on the same legal  
28 grounds set forth above as to Defendants' motion for judgment on the pleadings, as more fully set

1 forth in the accompanying memorandum of points and authorities in support of the motion.

2 This motion is based on this Notice, the Memorandum of Points and Authorities in  
3 Support of the Motion, the accompanying Declaration of Erin M. Connell and exhibits thereto,  
4 and the Request for Judicial Notice, all of which are served and filed herewith; the pleadings on  
5 file in this action, any matters upon which the Court may or must take judicial notice; any  
6 argument presented at the hearing on the motion, and any other matters the Court deems proper.  
7 In addition to the documents listed herein, Defendants' alternative motion for partial summary  
8 judgment also is based on the Declaration of Janette Gochan and exhibits thereto.

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10 Dated: April 24, 2008

ANDREW R. LIVINGSTON  
ERIN M. CONNELL  
ORRICK, HERRINGTON & SUTCLIFFE LLP

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13 By: \_\_\_\_\_/s/\_\_\_\_\_  
14 Erin M. Connell  
15 Attorneys for Defendants  
16 Chase Home Finance, LLC (on behalf of itself  
17 and as successor in interest to Chase  
18 Manhattan Mortgage Corporation)  
19 and James Boudreau  
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